

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., et al.,	:	
	:	Case No. 2:23-cv-512
<i>Plaintiffs,</i>	:	
	:	Judge Sarah D. Morrison
v.	:	
	:	Magistrate Judge Elizabeth Preston Deavers
Silver, et al.,	:	
	:	
<i>Defendants.</i>	:	
	:	

**APPLICATION FOR ENTRY OF DEFAULT AGAINST DEFENDANTS COLLATERAL
DAMAGE, LLC AND ECLIPSE HOME DESIGN, LLC**

Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Plaintiffs” or “Root”) request that the Clerk enter default against Defendants Collateral Damage, LLC, and Eclipse Home Design, LLC (collectively, “Defendants”) pursuant to Federal Rule of Civil Procedure 55(a) and this Court’s July 5, 2023 Order requiring Defendants to obtain counsel or face default.¹ To date, Defendants have failed to retain counsel and defend against this action. In addition, Defendants have failed to move or plead in response to the Second Amended Complaint. Accordingly, an entry of default is appropriate.

¹ In accordance with Fed. R. Civ. P. 55(a), an affidavit showing Defendants’ failure to plead or otherwise defend is attached. (Declaration of Elizabeth S. Alexander in Support of Plaintiffs’ Motion for Entry of Default, attached as Exhibit A.)

Respectfully submitted,

/s/ Elizabeth S. Alexander

William D. Kloss, Jr. (0040854), Trial Attorney

Tiffany S. Cobb (0067516)

Elizabeth S. Alexander (0096401)

Grace E. Saalman (0101603)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street, P.O. Box 1008

Columbus, Ohio 43216-1008

Phone: (614) 464-6360 Fax: (614) 719-4807

wdklossjr@vorys.com

tscobb@vorys.com

esalexander@vorys.com

gesaalman@vorys.com

Matthew L. Kutcher (IL Bar No. 6275320)

COOLEY LLP *Admitted Pro Hac Vice*

110 N. Wacker Drive Suite 4200

Chicago, IL 60606

Phone: (312)-881-6500 Fax: (312)-881 6598

mkutcher@cooley.com

Kristine A. Forderer (CA Bar No. 278754)

COOLEY LLP *Admitted Pro Hac Vice*

3 Embarcadero Center

San Francisco, CA 94111

Phone: (415) 693-2128

kforderer@cooley.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 9th day of November, 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A copy was also sent by regular U.S.P.S. mail and email to the following:

Paige McDaniel

5576 Alexanders Lake Road
Stockbridge, GA 30281
paigemcase25@gmail.com

Eclipse Home Design, LLC

Registered Agent: United States
Corporation Agents, Inc.
651 N. Broad Street, Suite 201
Middletown, DE 19709

Butler County Jail

Attn: Brinson Caleb Silver
Inmate #303850
705 Hanover Street
Hamilton, Ohio 45011

Collateral Damage, LLC

Registered Agent: LegalZoom.com, Inc.
101 N. Brand Blvd., 11th Floor
Glendale, CA 91203

/s/ Elizabeth S. Alexander

Elizabeth S. Alexander (0096401)

Counsel for Plaintiffs